

DEPARTMENT OF SOCIAL SERVICES

744 P Street, M.S. 19-31

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May 3, 1983

ALL COUNTY INFORMATION NOTICE NO. 1-57-83

TO: ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL SDSS ADOPTION DISTRICT OFFICES

SUBJECT: Acknowledgment and Establishment of Paternity by Alleged Natural
Fathers of Indian Descent

REFERENCE: All County Letter 79-76

This notice is to remind adoption workers of information which must be provided to the Bureau of Indian Affairs (B.I.A.) in instances when a child under adoption agency care has an unwed (alleged natural) father of Indian descent.

In order for the B.I.A. to make a proper determination whether a child with an unwed father of Indian descent comes within the provisions of the Indian Child Welfare Act, adoption workers must try to ascertain whether the unwed father has acknowledged paternity or if his paternity has been established. If paternity has been acknowledged or established, the worker should document the process by which acknowledgment or establishment of paternity was made. Documentation includes a written acknowledgment of paternity signed by the unwed father or copies of appropriate court orders, such as an order for child support payments. The unwed father's signature on an acknowledgment of paternity statement must be notarized or witnessed by the adoption worker, who also indicates on the statement of acknowledgment the identification used by the alleged natural father, such as his driver's license number.

It is important for adoption workers, in the absence of statements of paternity or copies of court orders, to document any other information which might help establish paternity, such as a written statement by the worker of an interview with the unwed father in which he verbally acknowledged paternity, or a written statement by the worker of any purchase made for, or other evidence of financial support of, the child.

If it is possible for the unwed father to be interviewed by an adoption worker, it is important that this interview take place before the background information on the father's Indian heritage is sent to the Department on the form, Information on American Indian Child (Adoption Program), (AD 4311). The necessary documentation can then be attached to the form.

If paternity of the unwed father has not been acknowledged or established this should be indicated in the appropriate boxes of the AD 4311. If paternity has been acknowledged or established and is so indicated on the AD 4311, but documents verifying this fact cannot be obtained, this should also be indicated on the AD 4311 or on an attached statement. The processing of the AD 4311 may be delayed if the paternity issue is not clear to this Department or the B.I.A.

The documentation of written acknowledgment or establishment of paternity is important because the Indian Child Welfare Act excludes the unwed father as an Indian parent if paternity has not been acknowledged or established. Without documentation for the B.I.A. and the Indian tribe, a certification of Indian blood and subsequent possible BIA and Indian Health Services (IHS) benefits may be denied the child. The importance to the child for paternity to be acknowledged or established should be explained to the unwed father, if he is interviewed, and to the birth mother.

When a child has both an Indian mother and Indian unwed father, paternity could still be an important issue when the child's total degree of Indian blood is determined. Indian heritage from the unwed father may be the factor that qualifies the child to receive BIA and IHS benefits, or membership and identification with the father's tribe rather than the mother's may be preferred.

If there are any questions regarding this notice, please contact your adoption program consultant.



CLAUDE FINN
Deputy Director
Adult and Family Services Division

cc: CWDA